



**IOWA DEPARTMENT OF NATURAL RESOURCES**

**December 7, 2006**

**For immediate release**

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## **DNR TO CHANGE PERMITTING PROCESS FOR OPEN FEEDLOT PERMITS**

**MEDIA CONTACT: Karen Grimes at 515-281-5135.**

DES MOINES – The DNR will update the permitting process for open feedlots after a joint process improvement meeting with industry and environmental representatives.

“We are removing the roadblocks that slow down the permit process,” said Jeff Prier, who conducts open feedlot site inspections for the DNR.

“With the new process, we will meet with the producer ahead of time and ask their engineer to submit a preliminary design,” Prier added. “Our engineers will review the preliminary design within 10 working days, so that we can look at soils, floodplain locations and other areas of environmental concern.”

Identifying potential problems – with the site or the application – will prevent delays once the complete application is submitted.

Prier added that the new process should reduce errors and delays, allowing the DNR to process a complete application within 60 days. Some past permit applications have taken more than 156 days to be processed.

“We’re excited about getting these permits done in a timelier manner, and I believe the producers are, too,” he added.

Livestock producers with 1,000 or more animal units (1,000 beef cattle, 700 mature dairy cattle or 2,500 finishing swine) in an open feedlot are required to have a national pollutant discharge elimination system (NPDES) permit to operate the feedlot.

New application forms and information will be available on the DNR Web site at [www.iowadnr.com/afo/index.html](http://www.iowadnr.com/afo/index.html) by the end of December.

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## **TESTING, CLEANUP CONTINUES AT CLIVE DUMP SITE**

**MEDIA CONTACT: Kevin Baskins at 515-281-8395.**

CLIVE — Test trenching has been completed this week at an old dump site in Clive and the preliminary results indicate that a substantial number of the old paint barrels that were of concern may have already been excavated.

Several barrels of paint and paint waste materials were discovered during excavation work earlier this fall by Jerry’s Homes, Inc. as part of construction work associated with development of a housing subdivision. At least some of the materials appear to have originated from John Deere operations but were allegedly deposited by the former property owner, DeMoss Construction Co., Inc., in the 1970s.

“It was difficult to get an accurate estimate of the barrels of paint waste early on because we were dealing mostly with barrel fragments rather than whole containers,” said Matt Culp, an environmental specialist for Iowa DNR.

Culp said the test trenching has also helped to better define the area where drums and drum waste may have been disposed. Approximately one acre has been excavated so far. The DNR expects that after study of the test trenching data, further excavation of the dump area may be required.

It is anticipated that test wells will be placed at the site later this month to conduct soil and groundwater monitoring to determine if there are any potential environmental or health risks. Sampling will also be conducted on nearby Little Walnut Creek.

“There is additional assessment we want to complete before we can determine the full potential impact this site poses to the environment,” said Culp.

Culp said assessment of the site and proper disposal of the paint and paint waste materials has been aided by the cooperation DNR has received from Jerry’s Homes, John Deere and the consultants involved with the project.

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## **JANUARY SIGN UP FOR COUNTIES TO EVALUATE ANIMAL CONFINEMENT SITES**

**MEDIA CONTACT: Tammie Krausman at (515) 281-8382.**

DES MOINES – Counties that are interested in evaluating proposed sites for confinement facilities that need a construction permit must formally notify the DNR by Jan. 31, 2007.

“For counties that adopt the master matrix, this is an opportunity to have input on site selection, the type of structures and manure management being proposed,” said Gene Tinker, coordinator of the DNR animal feeding section.

To have that opportunity, counties must adopt and file a construction evaluation resolution in December or January. The county board of supervisors must submit it to the DNR between Jan. 1 and Jan. 31, 2007. The resolution will allow counties to use the master matrix when evaluating construction permit applications received from Feb. 1, 2007, to Jan. 31, 2008.

Approximately 86 counties have filed resolutions each year since the master matrix went into effect in 2003.

Producers in counties that file the resolutions must meet higher standards than other permitted sites. They must earn points on the master matrix by choosing a site and using practices that reduce impacts on the environment and the community.

Participating counties must evaluate the master matrix and make a recommendation to the DNR within 30 days of when the DNR received the application. It’s also up to the counties to verify separation distances claimed on the master matrix and, if the county wants to conduct a site visit, to accompany the DNR on the site survey.

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Counties must also make recommendations on all construction permit applications submitted to the DNR or they forfeit the right to evaluate sites until the next sign-up period.

Counties that have adopted a resolution should mail it to Tammie Krausman at the DNR, 502 East Ninth Street, Des Moines, IA 50319 or fax it to 515-281-6794. Sign-ups occur annually during the month of January.

Most confinement feeding operations that need to apply for a permit are subject to the matrix. For more information on which operations are affected, check the DNR Web site under animal feeding operations at [www.iowadnr.com/afo/matrix.html](http://www.iowadnr.com/afo/matrix.html).

Additional information for counties is available on the Iowa State Association of Counties Web site at [www.iowacounties.org/](http://www.iowacounties.org/) under news: topics of interest.

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## **DNR POSTS STATUS OF STREAM ASSESSMENT FIELD WORK FOR WATER QUALITY STANDARDS**

**MEDIA CONTACT: Lori McDaniel at (515) 281-8094 or Adam Schnieders at (515) 281-7409.**

DES MOINES — The DNR is posting online updates of its progress as it conducts field assessments on Iowa rivers and streams to apply the appropriate water quality standards.

The assessments began this year as the DNR is checking to see if streams are fishable and swimmable, as presumed under new state legislation and DNR rules.

Until March 2006, approximately 12,000 miles of Iowa's streams were protected for aquatic life and 2,200 miles of Iowa's streams were protected for recreational uses. The new legislation and rules expands protection to all 26,000 miles of Iowa's perennial streams.

"These field studies will help determine if these new uses are appropriate or not," said Lori McDaniel, supervisor of DNR's water resources section. "For example, we might find that a small stream that we thought was perennial actually dries up for part of the year and will not support aquatic life year round. We could also find streams that we thought did not support recreational or aquatic life uses actually do."

Of particular concern are the streams and rivers that receive a discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Typically these facilities are industrial or municipal waste water treatment plants. The facilities may have to meet more stringent permit limits as a result of the increased protection.

The public will be able to check now if the field work portion of the stream assessment has been completed for affected NPDES facilities. Check the DNR Web site at [www.iowadnr.com/water/uaa.html](http://www.iowadnr.com/water/uaa.html).

The DNR will complete as many of the final assessments for each stream before field work begins again in March. "These reports will be posted as they are completed, with the first reports posting probably in February," said McDaniel.

The DNR will take recommendations to change the use designation through the formal rulemaking process in the spring of 2007.

McDaniel said that updating the water quality standards to protect more perennial streams brings the DNR closer to compliance with Federal Clean Water Standards and establishes new goals for water quality in Iowa.

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## **DNR ENFORCEMENT ACTIONS**

**MEDIA CONTACT: Jessie Brown at (515) 281-5131.**

DES MOINES — The DNR took the following enforcement actions in November and December 2006, unless otherwise noted. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131.

### **Administrative Orders**

Responsible parties have 30 days to appeal the order or 60 days to pay the penalty.

- Jeffrey D. Griebel, dba Hawkeye Pork, Inc., of Paullina, was ordered to submit an updated manure management plan (MMP) and annual compliance fee, and to pay a \$3,500 penalty. The order is in regard to failure to submit an MMP and compliance fee for a site in O'Brien County. This order was taken in October.
- Randy Rudolph, of Audubon, was ordered to submit an updated manure management plan (MMP) and annual compliance fee, and to pay a \$3,500 penalty. The order is in regard to failure to submit an MMP and compliance fee for a site in Audubon County. This order was taken in October.
- Ted Dickey, dba Dickey Farms, of Muscatine, was ordered to remove all liquid manure and manure solids from earthen manure storage pits, properly land-apply that manure, ensure its commercial manure applicator is currently certified, submit copies of manure application records to the DNR and to pay an \$8,000 penalty. This order is in regard to an animal feeding operation in Muscatine County. This order was taken in August and has been appealed.

### **Consent Orders**

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- The USDA National Animal Disease Center, of Ames, agreed in a consent order to comply with the requirements of its Title V Operating Permit, comply with its construction permits, obtain construction permits prior to installation or modification of equipment, apply for a construction permit for any unpermitted equipment,

conduct a stack test on an incinerator, pay a \$10,000 penalty and comply with a compliance plan attached to the consent order. The consent order is in regard to air quality violations.

In a separate consent order, the USDA National Animal Disease Center agreed to comply with reporting and recordkeeping requirements, comply with all dates in its Title V Annual Compliance Form and pay a \$3,685 penalty. The consent order is in regard to air quality violations.

- The Avoca Implement Company, of Avoca, agreed in a consent order to develop a solid waste management plan and submit the plan to the DNR, and to pay a \$500 penalty. The consent order is in regard to open burning and solid waste disposal violations.
- Western Horizon Farms, L.L.C. d/b/a Douglas Finisher, of Sac City, agreed in a consent order to submit an updated manure management plan (MMP) and annual compliance fee, and to pay a \$3,000 penalty. The consent order is in regard to a confinement feeding operation in Sac County.
- Kevin Glissman, dba Glissman Salvage, of Dakota Dunes, S.D., agreed in a consent order to pay a \$3,000 penalty. The consent order is in regard to asbestos violations during a renovation project at a Council Bluffs high school.
- American Testing and Training, Inc. a/k/a Affordable Hazards Removal, Inc., of Monticello, agreed in a consent order to pay a \$5,000 penalty. The consent order is in regard to asbestos violations during demolition of two houses in Waterloo.
- David Lorch, of Harris, agreed in a consent order to pay a \$3,000 penalty and \$7,118.01 in restitution for a fish kill. The consent order is in regard to a manure discharge and the resulting fish kill in Stony Creek, located in Dickinson County.
- Loren Wuebker, of Rockwell City, agreed in a consent order to submit an improvement plan for manure controls at his facility, install and maintain manure control structures at his facility, pay a \$3,000 penalty and pay \$1,500.57 in restitution for a fish kill. The consent order is in regard to a manure discharge and resulting fish kill in Lake Creek, located in Calhoun County.
- Woodmoor Development, LLC, of Cedar Rapids, agreed in a consent order to comply with all storm water permit requirements and to pay a \$3,000 penalty. The order is in regard to storm water violations at a residential construction site in Cedar Rapids.
- Robin Hewer, of Lost Nation, agreed in a consent amendment to pay a \$750 penalty. This amends a 2004 administrative order regarding animal feeding operation violations.